



**[4310-W7-P]**

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

134A2100DD/AAK3000000/A0H501010.999900

**25 CFR Part 23**

**RIN 1076-AF21**

**Change of Address; Indian Child Welfare Act**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Final rule; technical amendment.

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**SUMMARY:** The Bureau of Indian Affairs (BIA) is amending its regulations to reflect a change of address for filing copies of Indian Child Welfare Act (ICWA) notices to the Eastern Regional Director and to update the titles of “Area Directors” to “Regional Directors.” This technical amendment is a nomenclature change that updates and corrects BIA officials’ titles and the address for filing ICWA notices to the Eastern Regional Director.

**DATES:** Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, (202) 273-4680; [elizabeth.appel@bia.gov](mailto:elizabeth.appel@bia.gov).

**SUPPLEMENTARY INFORMATION:** This rule updates the address for the Eastern Regional Office, which was printed in error. BIA employees have ensured that notices sent to the printed address have been forwarded to the BIA authorities, but this rule will make the

forwarding unnecessary. This rule also updates all references to “Area Director” in 25 CFR part 23 to be “Regional Director” in accordance with the nomenclature currently in use.

## **Procedural Requirements**

### **A. Regulatory Planning and Review (E.O. 12866 and 13563)**

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant. E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements. This rule is also part of the Department’s commitment under the Executive Order to reduce the number and burden of regulations and provide greater notice and clarity to the public.

### **B. Regulatory Flexibility Act**

The Department of the Interior certifies that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

### **C. Small Business Regulatory Enforcement Fairness Act**

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. It will not result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of \$100 million or more in any one year. The rule's requirements will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Nor will this rule have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the U.S.-based enterprises to compete with foreign-based enterprises.

### **D. Unfunded Mandates Reform Act**

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 et seq.) is not required.

### **E. Takings (E.O. 12630)**

Under the criteria in Executive Order 12630, this rule does not affect individual property rights protected by the Fifth Amendment nor does it involve a compensable "taking." A takings implication assessment is therefore not required.

### **F. Federalism (E.O. 13132)**

Under the criteria in Executive Order 13132, this rule has no substantial direct effect on the States, on the relationship between the national government and the States, or on the

distribution of power and responsibilities among the various levels of government. This rule ensures notification to State and local governments of a BIA official's decision to take land into trust and the right to administratively appeal such decision. This rule also ensures notification to State and local governments of an AS-IA official's decision through publication in the Federal Register.

#### **G. Civil Justice Reform (E.O. 12988)**

This rule complies with the requirements of Executive Order 12988. Specifically, this rule has been reviewed to eliminate errors and ambiguity and written to minimize litigation; and is written in clear language and contains clear legal standards.

#### **H. Consultation with Indian Tribes (E.O. 13175)**

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments," Executive Order 13175 (59 FR 22951, November 6, 2000), and 512 DM 2, we have determined there are no potential effects on federally recognized Indian tribes and Indian trust assets.

#### **I. Paperwork Reduction Act**

This rule does not contain any information collections requiring approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et seq.

#### **J. National Environmental Policy Act**

This rule does not constitute a major Federal action significantly affecting the quality of the human environment because it is of an administrative, technical, and procedural nature.

#### **K. Effects on the Energy Supply (E.O. 13211)**

This rule is not a significant energy action under the definition in Executive Order 13211.

A Statement of Energy Effects is not required.

#### **L. Determination To Issue Final Rule without the Opportunity for Public Comment and with Immediate Effective Date**

BIA is taking this action under its authority, at 5 U.S.C. 552, to publish regulations in the Federal Register. Under the Administrative Procedure Act, statutory procedures for agency rulemaking do not apply “when the agency for good cause finds... that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” 5 U.S.C. 553(b)(3)(B). BIA finds that the notice and comment procedure are impracticable, unnecessary, or contrary to the public interest, because: (1) these amendments are non-substantive; and (2) the public benefits for timely notification of a change in the official agency address, and further delay is unnecessary and contrary to the public interest. Similarly because this final rule makes no substantive changes and merely reflects a change of address and updates to titles in the existing regulations, this final rule is not subject to the effective date limitation of 5 U.S.C. 553(d).

#### **List of Subjects in 25 CFR Part 23**

Administrative practice and procedures, Child welfare, Grant programs-Indians, Grant programs-social programs, Indians, Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Department of the Interior, Bureau of Indian Affairs, amends part 23 in Title 25 of the Code of Federal Regulations as follows:

## **PART 23—INDIAN CHILD WELFARE ACT**

1. The authority citation for part 23 continues to read as follows:

AUTHORITY: 5 U.S.C. 301; 25 U.S.C. 2, 9, 1901-1952.

2. Throughout part 23, remove the word “Area Director” and “Area Directors” and add in their place the words “Regional Director” and “Regional Directors” respectively, wherever they appear.

3. In § 23.11, revise paragraph (c)(1) to read as follows:

### **§ 23.11 Notice.**

\* \* \* \* \*

(c)(1) For proceedings in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, or any territory or possession of the United States, notices shall be sent to the following address: Eastern Regional Director, Bureau of Indian Affairs, 545 Marriott Drive, Suite 700, Nashville, Tennessee 37214.

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Dated: May 1, 2014.

Kevin K. Washburn,  
Assistant Secretary – Indian Affairs.

